

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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ALYSA OCASIO, ANDREW OCASIO, and
JAHAIIRA HOLDER, as Administratrix of the Estate
of Sandy Guardiola,

Plaintiffs,

- against -

The CITY OF CANANDAIGUA, a municipal
entity; Canandaigua Police Chief STEPHEN
HEDWORTH, in his individual and official
capacities; Canandaigua Police Sergeant SCOTT
KADIEN, in his individual capacity; DOCCS
Regional Director GRANT SCRIVEN, in his
individual capacity; DOCCS Parole Chief DAWN
ANDERSON, in her individual capacity; DOCCS
Senior Parole Officer THOMAS O'CONNOR, in his
individual capacity; DOCCS Senior Parole Officer
BETH HART-BADER, in her individual capacity,

Defendants.
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**DECLARATION OF
MARC CANNAN
IN SUPPORT OF
PLAINTIFFS' MOTION
FOR SANCTIONS**

No. 18-cv-06712 (MAV) (MWP)

I, MARC CANNAN, an attorney duly admitted to practice law in the State of New York
and in this court, declare under penalty of perjury:

1. I am a partner at Beldock Levine & Hoffman LLP, attorney for Alysa Ocasio,
Andrew Ocasio, and Jahaira Holder, as Administratrix of the Estate of Sandy Guardiola. I am
well-familiar with the facts of this case. I submit this affirmation in support of Plaintiffs' Motion
for Sanctions.

2. Annexed hereto are true and accurate copies of the following exhibits:

Exhibit 1: Plaintiffs' preservation letter sent to DOCCS dated October 11,
2017

Exhibit 2: Notice of Intention of Jahaira Holder, as Administratrix of the
Estate of Sandy Guardiola, received by the Office of Attorney
General's office on November 17, 2017

- Exhibit 3:** Plaintiffs' Supplemental Spoliation Discovery Request dated September 20, 2024
- Exhibit 4:** Notice of Intention of Jahaira Holder, as Administratrix of the Estate of Sandy Guardiola, received by the Office of the Attorney General's office on December 8, 2017
- Exhibit 5:** Preservation letter sent to DOCCS by Defendant O'Connor's counsel from the New York State Attorney General's Office ("NYSAG"), dated November 28, 2018
- Exhibit 6:** Declaration of non-party Danielle May, Associate Counsel for non-party DOCCS dated August 11, 2023
- Exhibit 7:** Office of the Attorney General's Response to Plaintiff's Letter of Deficiencies dated March 2, 2023
- Exhibit 8:** Defendant O'Connor's Fed. R. Civ. Pro. Rule 26 disclosures, dated September 30, 2020
- Exhibit 9:** Email from Assistant Attorney General Michele Crain, Esq. informing Plaintiffs about the purging of relevant emails, dated May 12, 2023
- Exhibit 10:** Transcript from June 15, 2023 oral argument on spoliation motion
- Exhibit 11:** Plaintiffs' Supplemental Set of Interrogatories, Demands for Production of Documents to DOCCS Defendants dated June 22, 2023
- Exhibit 12:** DOCCS Defendants' Response to Plaintiffs' First Set of Interrogatories, Demands for Production of Documents dated July 21, 2023
- Exhibit 13:** Declaration of non-party David Harvey, former Assistant Counsel and Records Access Officer for non-party DOCCS dated August 10, 2023
- Exhibit 14:** Plaintiffs' Supplemental Interrogatories and Requests for Production of Documents Related to Spoliation and the August 11, 2023 Compliance Declarations, dated August 30, 2023
- Exhibit 15:** DOCCS Defendants' Response to Plaintiffs' Supplemental Set of Interrogatories, Demands for Production of Documents dated September 25, 2023

- Exhibit 16:** Plaintiffs' 30(b)(6) Proposal sent on July 15, 2024
- Exhibit 17:** Plaintiffs' Supplemental Set of Interrogatories to DOCCS dated September 24, 2024
- Exhibit 18:** DOCCS's Response to Plaintiffs' Interrogatories and Requests for Production of Documents Related to Spoliation dated October 11, 2024
- Exhibit 19:** Defendant Thomas O'Connor's Response to Plaintiffs' Interrogatories and Requests for Production of Documents Related to Spoliation dated October 22, 2024

Dated: December 31, 2024
New York, New York

Respectfully submitted,

/s/Marc A. Cannan
Marc Cannan